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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,161	04/27/2001	J. Chris Russell	80398P458	1783
8791	7590	10/14/2005	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			HICKS, MICHAEL J	
			ART UNIT	PAPER NUMBER
			2165	

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/844,161	RUSSELL, J. CHRIS
	Examiner	Art Unit
	Michael J. Hicks	2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 April 2001.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
 4a) Of the above claim(s) 15-19 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-14 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 27 April 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>09/07/2004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 9 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per Claim 9, the phrase "input output/application program interface means" is vague and non-descriptive as the two terms "input output" and "application program interface" are unrelated. For the purpose of further examination, it will be assumed that the intended meaning of "media input output/application program interface means" is a program which allows a user to communicate with the database directly.

3. Claim 10 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per Claim 10, the word "means" is preceded by the word(s) "client" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

For the purpose of further examination, it will be assumed that the "client means" refers to a client enabling the station to communicate with the database.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4, 9-11, and 13 rejected under 35 U.S.C. 102(e) as being anticipated by Bowers et al. (U.S Pre Grant Publication Number 2001/0000019 and referred to hereinafter as Bowers).

As per Claim 1, Bowers discloses an integrated media production security system comprising: a database for storing records associated with a plurality of discreet media tracking stations for reading indicia on media for responding to arrival at and departure from the tracking station (i.e. "*The system comprises an inventory database including a list of the articles in the library and the circulation status of each such article...*" The preceding text excerpt clearly indicates that a database exists for tracking the circulation status of articles/media, which is gathered from interrogators/tracking stations.) (Page 2, Paragraph 17) said tracking station further comprising means for identifying an agent moving the media to or from the tracking station (i.e. "...*an article checkout system located in an article checkout area, the checkout system including a first interrogator for interrogating an article that the patron wants to remove from the storage*

area, the first interrogator receiving response signal containing the stored article identification information for the article to be removed; a processor in communication with the first interrogator and the database, the processor receiving patron identification information for the article to be removed from the first interrogator, and updating the inventory database with circulation status of the article to be removed..."

The preceding text excerpt clearly indicates that the interrogator/tracking station is capable of identifying a patron/agent, which is moving the article/media to or from the interrogator/tracking station.) (Page 2, Paragraph 17); and a client for receiving information from said tracking station for

providing records to said database (i.e. "Each of the articles has a radio frequency tag attached thereto including receiving an interrogation signal and returning a response signal and an integrated circuit connected to the antenna for storing article identification information and for outputting the article identification information with the response signal upon interrogation of the tad by an interrogator. The system comprises an inventory database including a list of the articles in the library and the circulation status of each such article; a patron identification system for identifying a patron to the system; an article checkout system located in an article checkout area, the checkout system including a first interrogator for interrogating an article that the patron wants to remove from the storage area, the first interrogator receiving response signal containing the stored article identification information for the article to be removed; a processor in communication with the first interrogator and the database, the processor receiving patron identification information for the article to be removed from the first interrogator, and updating the inventory database with circulation status of the article to be removed; an article check in system including at least one article return area for receiving articles which are removed from the storage area and which are to be returned to the storage area, each returned article passing through a checkout zone as the article is returned; a second interrogator monitoring the check in zone for disturbances in the form of a response signal caused by the presence of a tag within the zone, and outputting an interrogator output signal when a tag is detected in the zone, each interrogator output signal including identification information stored in the integrated circuit of an interrogated tag for the article being returned, wherein the inventory database receives the interrogator output signals and updates the checkout status data of the

article being returned therewith." The preceding text excerpt clearly indicates that records are stored in a database pertaining to articles/media and associated with at least a first and second interrogator/a plurality of discreet media tracking stations which read tags/indicia on the articles/media when the articles/media undergo removal/departure and return/arrival from the tracking station and the storage area. Furthermore, the (patron which is removing or returning the article)/(agent moving the media), is identified using patron identification information system/means for identifying an agent. A processor in communication with the interrogators/client for receiving information from said tracking stations is also present and provides the information to the database.) (Page 2, Paragraph 17).

As per Claim 2, Bowers further discloses said database further comprises means for storing content information records associated with each discrete piece of media (i.e.

"Each of the articles has a radio frequency tag attached thereto including receiving an interrogation signal and returning a response signal and an integrated circuit connected to the antenna for storing article identification information and for outputting the article identification information with the response signal upon interrogation of the tad by an interrogator...Most large libraries already have an automated on-line catalogue which is generated from an existing database on their collection (i.e., articles). Thus the library need only add information to an existing data field to identify the serial number of the specific tag which is attached to the article...Item identification information may also include any part of the bibliographic data, such as title, author, publisher and the like." The preceding text excerpt clearly indicates that each article/piece of discrete media has it's own tag and the tag is associated with database records that describe the content of the article/media.) (Page 2, Paragraph 17; Page 6, Paragraphs 62-63) and wherein said database is provided with a software structure associating content records and movement records by media identification (i.e. "Most large libraries already have an automated on-line catalogue which is generated from an existing database on their collection (i.e., articles). Thus the library need only add information to an existing data field to identify the serial number of the specific tag which is attached to the article...Item identification information may also include any part of the bibliographic data, such as title, author, publisher and the like...updating the

inventory database with the circulations status of the article to be removed...updates the checkout status data of the article being returned." The preceding text excerpt clearly indicates that a software structure exists that associates an on-line catalog/content records and circulation status/checkout status/movement records with the specific tag of the article/media identification.) (Page 2, Paragraph 17; Page 6 Paragraphs 62-63).

As per Claim 3, Bowers further discloses a system administration client coupled for communicating with said database (i.e. "*The database records of selected articles may be changed by authorized library personnel without the presence of the article.*" The preceding text excerpt clearly indicates that an administration client exists that can be used to edit/communicate with the database.) (Page 10, Paragraph 105).

As per Claim 4, Bowers further discloses a tracking station at a media vault (i.e. "...*The present invention is a library inventory control system for use in conjunction with articles which are maintained in a storage area...the system comprises...a first interrogator...*" The preceding text excerpt clearly indicates that the interrogators/tracking stations are installed at a storage area/media vault.) (Page 2, Paragraph 17).

As per Claim 5, Bowers further discloses further stations at which the media is tracked comprising a recording station, a duplication station and a shipping and receiving station (i.e. "...*an article checkout system located in an article checkout area including a first interrogator...an article check in station including at least one article return area ...the second interrogator monitoring the check in zone.*" The preceding text excerpt clearly indicates that interrogators are also placed in checkout areas/shipping stations and return areas/check in zones/receiving stations.) (Page 2, Paragraph 17).

As per Claim 9, Bowers discloses an integrated media production security system comprising data means, communication means and production means, said

production means handling discreet media (i.e. " *The system comprises an inventory database including a list of the articles in the library and the circulation status of each such article; a patron identification system for identifying a patron to the system; an article checkout system located in an article checkout area, the checkout system including a first interrogator for interrogating an article that the patron wants to remove from the storage area, the first interrogator receiving response signal containing the stored article identification information for the article to be removed; a processor in communication with the first interrogator and the database, the processor receiving patron identification information for the article to be removed from the first interrogator, and updating the inventory database with circulation status of the article to be removed...*

" The preceding text excerpt clearly indicates that production means exists for handling articles/media in that the check in/checkout/movement of articles/media are tracked as well as identifying the articles/media and the patron/agency causing the movement.) (Page 2, Paragraph 17), said data means comprising a database having data structures for storing records associated with discreet media input-output/application program interface means interfacing the database means to the communication means (i.e. " *The system comprises an inventory database including a list of the articles in the library and the circulation status of each such article...the first interrogator receiving response signal containing the stored article identification information for the article to be removed; a processor in communication with the first interrogator and the database, the processor receiving patron identification information for the article to be removed from the first interrogator, and updating the inventory database with circulation status of the article to be removed...*

" The preceding text excerpt clearly indicates that data means exist which comprise a database for storing the circulation status or each article/records associated with discreet media and which are interfaced to the communication means.) (Page 2, Paragraph 17), said communication means comprising at least one client for receiving information associated with operations on the media and communicating with said database (i.e. "...*the first interrogator receiving response signal containing the stored article identification information for the article to be*

removed; a processor in communication with the first interrogator and the database, the processor receiving patron identification information for the article to be removed from the first interrogator, and updating the inventory database with circulation status of the article to be removed..." The preceding text excerpt clearly indicates that a communication means exist which are in communication with the database and the interrogators/station which receive information from the interrogators/stations about operations concerning the articles/media and communicating that information/record to the database for processing.) (Page 2, Paragraph 17), and said production unit comprising means for tracking movement of media to or from stations said tracking means further comprising means for identifying the agency causing the movement of the media and further comprising station for performing operations on media (i.e. "...an article checkout system located in an article checkout area, the checkout system including a first interrogator for interrogating an article that the patron wants to remove from the storage area, the first interrogator receiving response signal containing the stored article identification information for the article to be removed; a processor in communication with the first interrogator and the database, the processor receiving patron identification information for the article to be removed from the first interrogator, and updating the inventory database with circulation status of the article to be removed...The database records of selected articles may be changed by authorized library personnel without the presence of the article." The preceding text excerpt clearly indicates that the production unit exists and includes an interrogator/tracking station which is capable of identifying a patron/agent, which is moving the article/media to or from the interrogator/tracking station, which constitutes a station for performing operations on media.) (Page 2, Paragraph 17), said client means receiving information indicative of said operation and providing records to said database indicative thereof (i.e. "...the first interrogator receiving response signal containing the stored article identification information for the article to be removed; a processor in communication with the first interrogator and the database, the processor receiving patron identification information for the article to be removed from the first interrogator, and updating the inventory database with circulation

status of the article to be removed..." The preceding text excerpt clearly indicates that client means exist in the form of processors which receive information/records about the movement of articles/media from the interrogators/tracking stations and provide that information to the database.) (Page 2, Paragraph 17).

As per Claim 10, Bowers further discloses said stations each comprise scanning stations and also comprise client means (i.e. "*...an article checkout system located in an article checkout area, the checkout system including a first interrogator for interrogating an article that the patron wants to remove from the storage area, the first interrogator receiving response signal containing the stored article identification information for the article to be removed; a processor in communication with the first interrogator and the database, the processor receiving patron identification information for the article to be removed from the first interrogator, and updating the inventory database with circulation status of the article to be removed...an article check in system including at least one article return area for receiving articles which are removed from the storage area and which are to be returned to the storage area, each returned article passing through a checkout zone as the article is returned; as second interrogator monitoring the check in zone for disturbances in the form of a response signal caused by the presence of a tag within the zone, and outputting an interrogator output signal when a tag is detected in the zone, each interrogator output signal including identification information stored in the integrated circuit of an interrogated tag for the article being returned, wherein the inventory database receives the interrogator output signals and updates the checkout status data of the article being returned therewith*" The preceding text excerpt clearly indicates that each article checkout/check in system/station comprises interrogators/scanning stations and processors/client means to communicate with the database.) (Page 2, Paragraph 17).

As per Claim 11, Bowers further discloses said client comprises a system administration station for communicating with said database (i.e. "*The database records of selected articles may be changed by authorized library personnel without the presence of the article.*" The

preceding text excerpt clearly indicates that a station exists where authorized personal/administrators can change database records/communicate with the database.) (Page 10, Paragraph 105).

As per Claim 12, Bowers further discloses said communication system further comprises links to external systems and wherein the external systems are provided with tracking stations and client means providing information indicative of operations at each respective external system (i.e. "...an exterior smart book drop...includes a ...interrogation zone...
The data generated by the exterior book drop are used by the database to create a bin contents report." The preceding text excerpt clearly indicates that exterior/external systems exist which are linked, through the database to the other systems, and which comprise interrogation zones/tracking stations and also client means for providing information to the database which is indicative of operations at each exterior/external system, and is used to create reports on that data.) (Page 7, Paragraph 73; Page 8, Paragraph 79).

As per Claim 13, Bowers discloses a method for an integrated media production security system comprising the steps of: tracking movement of discreet media to and from tracking stations (i.e. "*The system comprises an inventory database including a list of the articles in the library and the circulation status of each such article; a patron identification system for identifying a patron to the system; an article checkout system located in an article checkout area, the checkout system including a first interrogator for interrogating an article that the patron wants to remove from the storage area, the first interrogator receiving response signal containing the stored article identification information for the article to be removed... an article check in system including at least one article return area for receiving articles which are removed from the storage area and which are to be returned to the storage area, each returned article passing through a checkout zone as the article is returned; as second interrogator monitoring the check in zone for disturbances in the form of a response signal caused by the presence of a tag within the zone, and outputting an interrogator output signal when a tag is detected in the zone, each interrogator output signal including identification information stored in*

the integrated circuit of an interrogated tag for the article being returned, wherein the inventory database receives the interrogator output signals and updates the checkout status data of the article being returned therewith." The preceding text excerpt clearly indicates that the circulation/movement of articles/media to and from interrogators/tracking stations is tracked.) (Page 2, Paragraph 17); tracking an agent associated with each movement (i.e. "*The system comprises an inventory database including a list of the articles in the library and the circulation status of each such article; a patron identification system for identifying a patron to the system...a processor in communication with the first interrogator and the database, the processor receiving patron identification information for the article to be removed from the first interrogator, and updating the inventory database with circulation status of the article to be removed.*" The preceding text excerpt clearly indicates that the patron/agent associated with each movement is also recorded/tracked.) (Page 2, Paragraph 17); providing a data record indicative of the movement and agent to a database (i.e. "*Each of the articles has a radio frequency tag attached thereto including receiving an interrogation signal and returning a response signal and an integrated circuit connected to the antenna for storing article identification information and for outputting the article identification information with the response signal upon interrogation of the tad by an interrogator. The system comprises an inventory database including a list of the articles in the library and the circulation status of each such article; a patron identification system for identifying a patron to the system; an article checkout system located in an article checkout area, the checkout system including a first interrogator for interrogating an article that the patron wants to remove from the storage area, the first interrogator receiving response signal containing the stored article identification information for the article to be removed; a processor in communication with the first interrogator and the database, the processor receiving patron identification information for the article to be removed from the first interrogator, and updating the inventory database with circulation status of the article to be removed; an article check in system including at least one article return area for receiving articles which are removed from the storage area and which are to be returned to the storage area, each returned article passing through a checkout zone as the article is returned; as second interrogator monitoring the check in zone for disturbances in the*

form of a response signal caused by the presence of a tag within the zone, and outputting an interrogator output signal when a tag is detected in the zone, each interrogator output signal including identification information stored in the integrated circuit of an interrogated tag for the article being returned, wherein the inventory database receives the interrogator output signals and updates the checkout status data of the article being returned therewith." The preceding text excerpt clearly indicates that the circulation status/movement of articles/media is tracked to and from interrogators/tracking stations as well as the patrons/agents associated with each movement and that a data record corresponding to the movement, article/media, and patron/agent is updated in/provided to the database.) (Page 2, Paragraph 17); providing to said database a record indicative of content associated with a discreet media identification (i.e. "*Most large libraries already have an automated on-line catalogue which is generated from an existing database on their collection (i.e., articles). Thus the library need only add information to an existing data field to identify the serial number of the specific tag which is attached to the article...Item identification information may also include any part of the bibliographic data, such as title, author, publisher and the like.*" The preceding text excerpt clearly indicates that an on-line catalog record/database record, which contains descriptive content information, is associated with each article/discreet piece of media by its tag/identification.) (Page 10, Paragraphs 62-63); associating in said database records indicative of movement with a record indicative of content of the particular discreet media (i.e. "*...the processor receiving the patron identification information and the article identification information for the article to be remove from the first interrogator, and updating the inventory database with the circulations status of the article to be removed... Thus the library need only add information to an existing data field to identify the serial number of the specific tag which is attached to the article.*" The preceding text excerpt clearly indicates because the movement record and the content record both contain the article/media tag/identification they are associated in the database.) (Page 2, Paragraph 17; Page 6, Paragraph 62); further providing data indicative of an operation performed on said discreet media at a station associated with the record of movement

of the discreet media (i.e. "*The data generated by the exterior book drop are used by the database to create a bin contents report...Bin contents reports are accumulated over a period of time and used to generate a historical usage report of articles which are used by patrons within the library.*" The preceding text excerpt clearly indicates that bin contents reports/historical usage reports/data indicative of an operation performed on said article/discreet media are associated with the record of movement of the article/discreet media because both the movement data and the operation data will contain the tag/identification of the article/media.) (Page 8, Paragraphs 79, 83).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6-8 and 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Bowers in view of Rhoads et al. (U.S. Pre Grant Publication Number 2003/0231785 and referred to hereinafter as Rhoads).

As per Claim 6, Bowers discloses an integrated media production security system comprising: a database for storing records associated with a plurality of discreet media tracking stations for reading indicia on media for responding to arrival at and departure from the tracking station (i.e. "*The system comprises an inventory database including a list of the articles in the library and the circulation status of each such article...*" The preceding text excerpt clearly indicates that a database exists for tracking the circulation status of articles/media, which is gathered from interrogators/tracking stations.) (Page 2, Paragraph 17) said tracking station further

comprising means for identifying an agent moving the media to or from the tracking station (i.e. "...an article checkout system located in an article checkout area, the checkout system including a first interrogator for interrogating an article that the patron wants to remove from the storage area, the first interrogator receiving response signal containing the stored article identification information for the article to be removed; a processor in communication with the first interrogator and the database, the processor receiving patron identification information for the article to be removed from the first interrogator, and updating the inventory database with circulation status of the article to be removed..." The preceding text excerpt clearly indicates that the interrogator/tracking station is capable of identifying a patron/agent, which is moving the article/media to or from the interrogator/tracking station.) (Page 2, Paragraph 17); and a client for receiving information from said tracking station for providing records to said database (i.e. "Each of the articles has a radio frequency tag attached thereto including receiving an interrogation signal and returning a response signal and an integrated circuit connected to the antenna for storing article identification information and for outputting the article identification information with the response signal upon interrogation of the tad by an interrogator. The system comprises an inventory database including a list of the articles in the library and the circulation status of each such article; a patron identification system for identifying a patron to the system; an article checkout system located in an article checkout area, the checkout system including a first interrogator for interrogating an article that the patron wants to remove from the storage area, the first interrogator receiving response signal containing the stored article identification information for the article to be removed; a processor in communication with the first interrogator and the database, the processor receiving patron identification information for the article to be removed from the first interrogator, and updating the inventory database with circulation status of the article to be removed; an article check in system including at least one article return area for receiving articles which are removed from the storage area and which are to be returned to the storage area, each returned article passing through a checkout zone as the article is returned; a second interrogator monitoring the check in zone for disturbances in the form of a response signal caused by the presence of a tag within the zone, and outputting an interrogator

output signal when a tag is detected in the zone, each interrogator output signal including identification information stored in the integrated circuit of an interrogated tag for the article being returned, wherein the inventory database receives the interrogator output signals and updates the checkout status data of the article being returned therewith." The preceding text excerpt clearly indicates that records are stored in a database pertaining to articles/media and associated with at least a first and second interrogator/a plurality of discreet media tracking stations which read tags/indicia on the articles/media when the articles/media undergo removal/departure and return/arrival from the tracking station and the storage area. Furthermore, the (patron which is removing or returning the article)/(agent moving the media), is identified using patron identification information system/means for identifying an agent. A processor in communication with the interrogators/client for receiving information from said tracking stations is also present and provides the information to the database.) (Page 2, Paragraph 17), means for storing content information records associated with each discrete piece of media (i.e. " *Each of the articles has a radio frequency tag attached thereto including receiving an interrogation signal and returning a response signal and an integrated circuit connected to the antenna for storing article identification information and for outputting the article identification information with the response signal upon interrogation of the tad by an interrogator...Most large libraries already have an automated on-line catalogue which is generated from an existing database on their collection (i.e., articles). Thus the library need only add information to an existing data field to identify the serial number of the specific tag which is attached to the article...Item identification information may also include any part of the bibliographic data, such as title, author, publisher and the like.*" The preceding text excerpt clearly indicates that each article/piece of discrete media has it's own tag and the tag is associated with database records that describe the content of the article/media.) (Page 2, Paragraph 17; Page 6, Paragraphs 62-63) and wherein said database is provided with a software structure associating content records and movement records by media identification (i.e. "*Most large libraries already have an automated on-line catalogue which is generated from an existing database on their collection (i.e., articles). Thus the library need only add information to an existing data field to identify the serial number*

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of the specific tag which is attached to the article...Item identification information may also include any part of the bibliographic data, such as title, author, publisher and the like...updating the inventory database with the circulations status of the article to be removed...updates the checkout status data of the article being returned." The preceding text excerpt clearly indicates that a software structure exists that associates an on-line catalog/content records and circulation status/checkout status/movement records with the specific tag of the article/media identification.) (Page 2, Paragraph 17; Page 6 Paragraphs 62-63), a system administration client coupled for communicating with said database (i.e. "*The database records of selected articles may be changed by authorized library personnel without the presence of the article.*" The preceding text excerpt clearly indicates that an administration client exists that can be used to edit/communicate with the database.) (Page 10, Paragraph 105), a tracking station at a media vault (i.e. "...*The present invention is a library inventory control system for use in conjunction with articles which are maintained in a storage area...the system comprises...a first interrogator...*" The preceding text excerpt clearly indicates that the interrogators/tracking stations are installed at a storage area/media vault.) (Page 2, Paragraph 17), further stations at which the media is tracked comprising a recording station, a duplication station and a shipping and receiving station (i.e. "...*an article checkout system located in an article checkout area including a first interrogator...an article check in station including at least one article return area ...the second interrogator monitoring the check in zone.*" The preceding text excerpt clearly indicates that interrogators are also placed in checkout areas/shipping stations and return areas/check in zones/receiving stations.) (Page 2, Paragraph 17).

Bowers fails to disclose a video source unit selectively coupled to said duplication station and to said recording station and also further comprising an AV marking system and a recording deck to receive outputs from said AV marking system

and said duplication and said recording station each providing a video source for said AV marking system.

Rhoads discloses a video source unit selectively coupled to said duplication station and to said recording station and also further comprising an AV marking system and a recording deck to receive outputs from said AV marking system and said duplication and said recording station each providing a video source for said AV marking system (i.e. *"Most commonly digital watermarking is applied to media such as images, audio signals, and video signals. However, it may be also applied to other types of data, including documents...the embedding component that embeds the watermark in the media content...There are three primary inputs to the embedding process: the original, digitized signal, the message, and a series of control parameters."* The preceding text excerpt clearly indicates that digital watermarking, which is a process of using an altered signal overlaid on top of an original signal to encrypt information, is used. In this case, the original signal would come from the duplication station, and the digitized signal and the control parameters would come from the embedding component/AV marking system to provide the combined signal to the recording deck.) (Page 1, Paragraphs 16-17; Page 5, Paragraph 80).

It would have been obvious over the prior art of record at the time of Applicants Invention to combine the teachings of Bowers with the teaching of Rhoads to include a video source unit selectively coupled to said duplication station and to said recording station and also further comprising an AV marking system and a recording deck to receive outputs from said AV marking system and said duplication and said recording station each providing a video source for said AV marking system with the motivation to modify media content to embed machine readable code into the data content.

As per Claim 7, Bowers further discloses said client further providing means for providing data indicative of operations performed on selected media to said database (i.e. "*The data generated by the exterior book drop are used by the database to create a bin contents report...Bin contents reports are accumulated over a period of time and used to generate a historical usage report of articles which are used by patrons within the library.*" The preceding text excerpt clearly indicates that data about operations performed on the articles/media is used by the database to create reports, further indicating that the information was provided to the database by the client means.) (Page 8, Paragraphs, 79, 83).

Bowers fails to disclose a video source unit selectively coupled to said duplication station and to said recording station and also further comprising an AV marking system and a recording deck to receive outputs from said AV marking system and said duplication and said recording station each providing a video source for said AV marking system.

Rhoads discloses a video source unit selectively coupled to said duplication station and to said recording station and also further comprising an AV marking system and a recording deck to receive outputs from said AV marking system and said duplication and said recording station each providing a video source for said AV marking system (i.e. "*Most commonly digital watermarking is applied to media such as images, audio signals, and video signals. However, it may be also applied to other types of data, including documents...the embedding component that embeds the watermark in the media content...There are three primary inputs to the embedding process: the original, digitized signal, the message, and a series of control parameters.*" The preceding text excerpt clearly indicates that digital watermarking, which is a process of using an altered signal overlaid on top of an original signal to encrypt information, is used. In this case, the original signal would come from the duplication station, and the digitized signal and the

control parameters would come from the embedding component/AV marking system to provide the combined signal to the recording deck.) (Page 1, Paragraphs 16-17; Page 5, Paragraph 80).

It would have been obvious over the prior art of record at the time of Applicants Invention to combine the teachings of Bowers with the teaching of Rhoads to include a video source unit selectively coupled to said duplication station and to said recording station and also further comprising an AV marking system and a recording deck to receive outputs from said AV marking system and said duplication and said recording station each providing a video source for said AV marking system with the motivation to modify media content to embed machine readable code into the data content.

As per Claim 8, Bowers further discloses indicia for reading by a tracking station are affixed to said hard drive, wherein said tracking means further comprise means for reading indicia for said hard drive and wherein said database further comprises a data structure for storing information relative to said hard.

The following is a quoted directly from the MPEP:

Nonfunctional descriptive material cannot render nonobvious an invention that would have otherwise been obvious. > In re Ngai, ___ F.3d ___, 2004 WL 1068957 (Fed. Cir. May 13, 2004).< Cf. In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983) (when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability). Common situations involving nonfunctional descriptive material are:

- a computer-readable storage medium that differs from the prior art solely with respect to nonfunctional descriptive material, such as music or a literary work,

encoded on the medium, - a computer that differs from the prior art solely with respect to nonfunctional descriptive material that cannot alter how the machine functions (i.e., the descriptive material does not reconfigure the computer), or - a process that differs from the prior art only with respect to nonfunctional descriptive material that cannot alter how the process steps are to be performed to achieve the utility of the invention.

Thus, if the prior art suggests storing a song on a disk, merely choosing a particular song to store on the disk would be presumed to be well within the level of ordinary skill in the art at the time the invention was made. The difference between the prior art and the claimed invention is simply a rearrangement of nonfunctional descriptive material.

In reference to Claim 8, stating that the indicia will be placed on hard drives is not patentably distinct from the prior art of record, which states that they will be placed on articles. The difference between the prior art and the claimed invention is simply a rearrangement of non-functional descriptive material.

Bowers fails to disclose a video source unit selectively coupled to said duplication station and to said recording station and also further comprising an AV marking system and a recording deck to receive outputs from said AV marking system and said duplication and said recording station each providing a video source for said AV marking system said video source unit comprises a hard drive.

Rhoads discloses a video source unit selectively coupled to said duplication station and to said recording station and also further comprising an AV marking system

and a recording deck to receive outputs from said AV marking system and said duplication and said recording station each providing a video source for said AV marking system (i.e. "*Most commonly digital watermarking is applied to media such as images, audio signals, and video signals. However, it may be also applied to other types of data, including documents...the embedding component that embeds the watermark in the media content...There are three primary inputs to the embedding process: the original, digitized signal, the message, and a series of control parameters.*" The preceding text excerpt clearly indicates that digital watermarking, which is a process of using an altered signal overlaid on top of an original signal to encrypt information, is used. In this case, the original signal would come from the duplication station, and the digitized signal and the control parameters would come from the embedding component/AV marking system to provide the combined signal to the recording deck.) (Page 1, Paragraphs 16-17; Page 5, Paragraph 80), and said video source unit comprises a hard drive (i.e. "...*the computer further includes a hard drive...to read from or write to a removable disk.*" The preceding text excerpt clearly indicates that the video source unit, which is writing to the removable disk/recording deck, includes a hard disk.) (Page 19, Paragraph 250).

It would have been obvious over the prior art of record at the time of Applicants Invention to combine the teachings of Bowers with the teaching of Rhoads to include a video source unit selectively coupled to said duplication station and to said recording station and also further comprising an AV marking system and a recording deck to receive outputs from said AV marking system and said duplication and said recording station each providing a video source for said AV marking system and said video source unit comprises a hard drive with the motivation to modify media content to embed machine readable code into the data content.

As per Claim 14, Bowers discloses the teaching regarding Claim 13 above.

Bowers fails to disclose a recording and a duplication station are provided and further comprising: selectively duplicating video source on media at said duplication station or recording from a video source onto a recording media at a recording station and connecting an AV marking station to each of said recording stations and duplication station to steganographically encode the recording or duplication of said video source.

Rhoads discloses a recording and a duplication station are provided and further comprising: selectively duplicating video source on media at said duplication station or recording from a video source onto a recording media at a recording station and connecting an AV marking station to each of said recording stations and duplication station to steganographically encode the recording or duplication of said video source (i.e. "*Most commonly digital watermarking is applied to media such as images, audio signals, and video signals. However, it may be also applied to other types of data, including documents...the embedding component that embeds the watermark in the media content...There are three primary inputs to the embedding process: the original, digitized signal, the message, and a series of control parameters.*" The preceding text excerpt clearly indicates that the process of watermarking is used. Watermarking is a process used to steganographically encode data. In this case, the original signal would come from the recording or duplication station, and the message and the control parameters would come from the AV marking station/embedding component to provide a combined signal to the recording media.) (Page 1, Paragraphs 16-17; Page 5, Paragraph 80).

It would have been obvious over the prior art of record at the time of Applicants Invention to combine the teachings of Bowers with the teaching of Rhoads to include a recording and a duplication station are provided and further comprising: selectively duplicating video source on media at said duplication station or recording from a video source onto a recording media at a recording station and connecting an AV marking

station to each of said recording stations and duplication station to steganographically encode the recording or duplication of said video source with the motivation to with the motivation to modify media content to embed machine readable code into the data content.

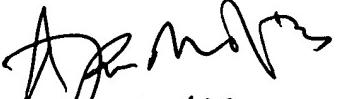
Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Hicks whose telephone number is (571) 272-2670. The examiner can normally be reached on Monday - Friday 8:30a - 5:00p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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